

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MAURICE ANTWAN HAYNES,

Petitioner,

Case Number: 2:13-cv-10358

Hon. Sean F. Cox

v.

DAVID BERGH,

Respondent.

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OPINION AND ORDER
DENYING MOTION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

On December 5, 2014, the Court entered an Opinion and Order in this matter, wherein the Court adopted the Magistrate Judge's recommendations that: (1) Petitioner's petition for a writ of habeas corpus be denied, AND (2) a certificate of appealability be denied. On February 23, 2015, the Court denied Petitioner's Motion for Certificate of Appealability (Docket #25). Presently before the Court is Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal (Docket #22).

The standard for issuing a certificate of appealability has a higher threshold than the standard for granting *in forma pauperis* status, which only requires a showing that the appeal is not frivolous. *See Foster v. Ludwick*, 208 F.Supp.2d 750, 764 (E.D. Mich. 2002). For the reasons set forth in the Court's December 5, 2014, Opinion and Order (adopting the April 16, 2014 Report and Recommendation prepared by the Magistrate Judge), as well the February 23, 2015 Opinion and Order denying a certificate of appealability, the Court finds that the issues presented by Petitioner's appeal are frivolous. *Hence v. Smith*, 49 F.Supp.2d 547, 549 (E.D. Mich. 1999); Fed. R. App. P.

24(a). Accordingly, Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal (Docket #22) is DENIED.

IT IS SO ORDERED.

Dated: April 16, 2015

S/ Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on April 16, 2015, the foregoing document was served on counsel of record via electronic means and upon Maurice Antwan Haynes via First Class mail at the address below:

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S/ J. McCoy

Case Manager